

## Article 9: Construction Permits

### Division 6: Grading Permit Procedures

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### §129.0601 Purpose of Grading Permit Procedures

The purpose of these procedures is to establish the process for review of Grading Permit applications for compliance with the regulations set forth in Chapter 14, Article 2, Division 1 and to protect persons, property and the environment.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### §129.0602 When a Grading Permit is Required

A Grading Permit is required for the following work:

- (a) Any *grading* within open space easements or City-owned open space;
- (b) Any *grading* required for the restoration of unauthorized *grading*;
- (c) Any *grading* within the *Special Flood Hazard Area*;
- (d) Any *grading* in accordance with a Grading Permit required as a condition of a *development permit* to assure compliance with the *development* permit conditions.
- (e) Any *grading* that includes the following conditions:
  - (1) *Excavation* or *fill* that results in a slope with a gradient of 25 percent or greater (4 horizontal feet to 1 vertical foot) and for which the depth or height at any point is more than 5 feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;
  - (2) *Excavation* or *fill* for which the depth or height at any point from the lowest *grade* to the highest *grade* at any time during the proposed *grading* is more than 5 feet measured vertically;
  - (3) *Grading* that creates manufactured slopes at a gradient exceeding that specified in Section 142.0133;
  - (4) *Grading* for which the graded area is more than 1 acre;

- (5) *Grading* that adversely affects the existing drainage pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or increasing the velocity of runoff to adjacent properties;
  - (6) Placing *fill* material that contains more than 5 percent, by volume, of broken concrete, asphalt, masonry, or construction debris;
  - (7) Placing *fill* material that has any piece larger than 12 inches in any direction; or
  - (8) *Grading* that includes blasting or other use of explosives.
- (f) Any *grading* work on a property that contains a *historical resource* as described in Section 143.0210.  
(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

### **§129.0603 Exemptions from Requirement for a Grading Permit**

A Grading Permit is not required for the work listed below unless section 129.0602 requires otherwise.

- (a) *Excavation* below finished *grade* for the *basement* or footing of a building, for a *retaining wall*, or for any other *structure* authorized by a valid Building Permit provided that the excavated material is disposed of at a legal disposal site in a safe and sanitary manner. This paragraph shall not exempt any *fill* made with material from the *excavation* that exceeds thresholds established in Section 129.0602.
- (b) The deposit of material in any disposal area operated or licensed by the City where the operation and conduct thereof does not block or divert any natural drainage way, affect the lateral support of, or unduly increase the stresses in or pressures upon any adjacent or contiguous property.
- (c) Gravel pits, mines, quarries, or the processing and stockpiling of soil, rock and gravel, aggregate, or clay where these operations are conducted in accordance with an approved Conditional Use Permit, and where the operation does not block or divert any natural drainage way, affect the lateral support of, or unduly increase the stresses in or pressures upon any adjacent or contiguous property. This paragraph shall not exempt *grading* work required by an approved restoration plan.

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- (d) Any operation in which *grading* is routinely conducted as an integral process to the operation in accordance with an approved Conditional Use Permit, where the operation does not block or divert any natural drainage way, affect the lateral support of, or unduly increase the stresses in or pressures upon any adjacent or contiguous property.
- (e) *Excavation* or *fill* performed by a governmental agency or *public utility*, or the contractor of either, in connection with the construction of roadways, pipelines, or utility lines within their rights-of-way.
- (f) Subsurface *exploration* activity which shall be restored to the pre-existing *grade*.
- (g) Agricultural *grading* in the agricultural zones.
- (h) *Excavation* for individual cemetery graves, provided that the operation of the cemetery is conducted in accordance with an approved conditional use permit.
- (i) Drilling of wells.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§129.0610 How to Apply for a Grading Permit**

An application for a Grading Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Grading Permits including *geotechnical reports* are listed in the Land Development Manual.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§129.0620 Qualifications to Prepare Plans and Perform Construction Work for Grading**

The preparation of plans for, and the construction of, *grading* work regulated by this division shall be performed only by persons with the following qualifications:

- (a) *Grading* plans required by this division shall be prepared by professionals as licensed and allowed by the California Business and Professions Code;
- (b) *Geotechnical reports* required for work authorized under this division shall be prepared by professionals as licensed and allowed by the California Business and Professions Code and as specified in Land Development Manual;
- (c) Drainage reports required for work authorized under this division shall be prepared by a civil engineer;

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- (d) Landscaping plans for revegetation or planting in *public rights-of-way* required for work authorized under this division shall be prepared by a landscape architect or other professional as licensed and authorized by the California Business and Professions Code; and
- (e) All *grading* and construction work required by this division shall be performed by a contractor licensed by the State of California except that any person owning property that is or will be that person's primary residence may perform *grading* on that property and any *grading* authorized by a Grading Permit as a result of application by a *public utility* may be performed by the *public utility*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

### **§129.0630 Decision Process for Grading Permits**

- (a) A decision on an application for a Grading Permit shall be made in accordance with Process One.
- (b) A Grading Permit shall be approved if the proposed work is consistent with the Municipal Code, applicable *development* standards, any *development permits* approved for that project, the terms of the California Regional Water Quality Control Board, San Diego Region, Order No. 2001-01 dated February 21, 2000, any subsequent amendments, relating to the reduction of pollutant discharges, and any other requirements imposed by the City Manager for the purpose of ensuring that pollutant discharges are reduced to the maximum extent practicable and water quality objectives are not violated.

(Amended 9-10-2001 by O-18976 N.S.; effective 10-10-2001 outside the Coastal Overlay Zone; effective 11-16-2001 within the Coastal Overlay Zone.)

### **§129.0641 Issuance of a Grading Permit**

- (a) An approved Grading Permit shall be issued after the prescribed fees have been paid, the required insurance has been guaranteed, and the prescribed bond has been posted.
- (b) The *applicant* shall not begin any work, construction, or use on the property that will be authorized by a Grading Permit until the required permit has been issued.
- (c) A Grading Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0642 Initial Utilization of a Grading Permit**

A Grading Permit shall become void if the work authorized by the permit had not begun within 180 calendar days of the date of permit issuance.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0643 Maintaining Utilization of Grading Permit**

A Grading Permit shall become void if, at any time after the work has begun, the *grading* or other work authorized by the Grading Permit is suspended or abandoned for a continuous period of 180 calendar days.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0650 Expiration of a Grading Permit**

(a) A Grading Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:

- (1) At the time of permit issuance, the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Grading Permit shall be specified on the permit; or
- (2) A Grading Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement.

(b) If the *grading* or work authorized by a Grading Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0651 Extension of Time for a Grading Permit**

(a) A permittee may submit an application for an extension of time to the City before, but no earlier than 60 calendar days before, the expiration date of the Grading Permit. The City Manager may extend the Grading Permit for a period not exceeding 180 calendar days if the City Manager determines that circumstances beyond the control of the permittee prevented completion of the

work. A Grading Permit shall not be extended more than once except as provided in Section 129.0651(d).

- (b) If an application for an extension of time has been submitted before the expiration date of the Grading Permit and in accordance with this section, the existing permit shall automatically be extended until the City Manager has made a decision on the application for an extension.
- (c) If the Grading Permit has expired before an application is submitted for an extension of time, an extension shall not be granted. To proceed with the same *development*, a new application shall be required and the application is treated as a new application.
- (d) If an extension of time has been previously approved in accordance with Section 129.0651(a), the City Manager may extend the expiration of the Grading Permit one additional time if the City Manager finds the following:
  - (1) There has not been a significant change in the regulations applicable to the site since the date of permit issuance;
  - (2) The additional extension is in the public interest; and
  - (3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§129.0652 Construction Change to a Grading Permit**

- (a) Proposed construction change to a Grading Permit must be approved before commencement of the construction change. A decision on a construction change shall be made in accordance with Section 129.0630.
- (b) A proposed construction change to a Grading Permit that was approved in conjunction with another permit or map may be approved if the proposed change is in *substantial conformance* with the other approved permit or map. If the proposed change is not in *substantial conformance* with the other

approved permit or map, the other permit or map must be amended before consideration of the construction change.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0660 Inspection of Grading**

All *grading* operations authorized by a Grading Permit shall be inspected by the City Engineer in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual. Professional inspection of *grading* operations shall be provided by the Engineer of Record as designated by the permittee.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0661 Designation of Engineer of Record**

- (a) The permittee shall retain and designate an Engineer of Record for each area of technical expertise needed to provide professional inspection services as required by the City Engineer and described in the Land Development Manual.
- (b) If an Engineer of Record is changed during *grading*, the work shall be stopped until the replacement Engineer has agreed in writing to accept responsibility within the area of technical competence for approval upon completion of the work. The permittee is responsible for notifying the City Engineer in writing of any change before *grading* resumes.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0670 Completion of Grading**

The permittee shall notify the City Engineer when the *grading* operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protection devices, and all erosion-control measures have been completed in accordance with the final approved *grading* plan and the *As-Graded Reports* have been submitted and approved by the City Engineer in accordance with standards established in the Land Development Manual. If the *grading* is for creating building pads, a Building Permit shall not be issued until the *grading* is completed by the permittee and approved by the City.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)